

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Ricky Black,)	C/A No. 9:06-2247-JFA-GCK
)	
Plaintiff,)	
v.)	ORDER
)	
Ben Sheriff, Pickens County Probation Agent,)	
)	
Defendants.)	
)	

This matter is before the court for review of the Magistrate Judge's Report and Recommendation made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

The *pro se* plaintiff, Ricky Black, is currently confined at the Manning Correctional

Institution of the South Carolina Department of Corrections. However, his incarceration is not connected to the present § 1983 action. The plaintiff initiated this action against the defendant pursuant to 42 U.S.C. § 1983 claiming that his rights under the Fourth, Sixth, Eighth, and Fourteenth Amendments were violated. Specifically, the plaintiff contends that the defendant consciously and willfully failed to exercise reasonable professional judgment in opening and pursuing a probation violation on the plaintiff which resulted in his alleged unlawful arrest and imprisonment. He seeks lost wages, actual, and punitive damages.

In a detailed Report and Recommendation filed with the court on February 28, 2007, the Magistrate Judge recommends that the defendant's motion for summary judgment should be granted. The Magistrate Judge opines that the plaintiff has failed to state a cause of action under § 1983 and that the defendant is entitled to qualified immunity as a probation officer acting in his official capacity. The Report sets forth in detail the relevant facts and legal standards relating to this matter, and the court incorporates such without a recitation.

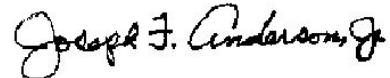
The parties were advised of their right to file objections to the Report. However, within the time limits prescribed by the local rules of this district, neither party has filed objections.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds that the Magistrate Judge's Report fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific

reference.

It is therefore ordered that the defendant's motion for summary judgment is granted and plaintiff's motions to stay and for summary judgment be dismissed. It is further ordered that plaintiff's state law claims be dismissed.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

March 29, 2007
Columbia, South Carolina